

AN ORDINANCE approving the awarding of Reference #5048 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and DOMINO, INC. for the Three Rivers Filtration Plant.

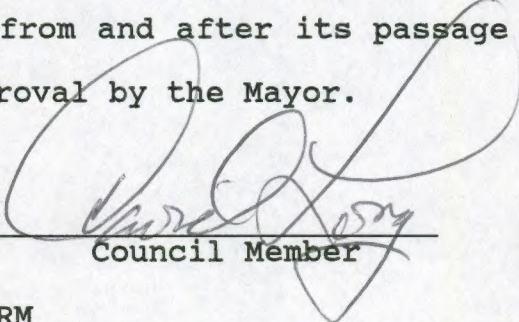
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5048 between the City of Fort Wayne, by and through its Department of Purchasing and DOMINO, INC. for the Three Rivers Filtration Plant, respectfully for:

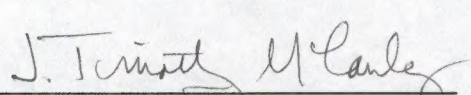
the purchase of one (1) uninterruptible power system to provide continuous, clean, conditioned electric power to all lab electronic equipment for the Three Rivers Filtration Plant;

involving a total cost of Twenty-Seven Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$27,388.00), all as more particularly set forth in said Reference #5048 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

REFERENCE NO.: 5048
DEPARTMENT: FILTRATION PLANT
DATE: 08/11/92
ITEM/SERVICE: UNINTERRUPTIBLE POWER SYTEM
ADVERTISED BID: YES
DATES ADVERTISED: 6/26/92 & 7/3/92
DATE OPENED: 7/16/92
WRITTEN QUOTE:
DATE DUE:
VERBAL QUOTE:
SINGLE SOURCE:
NO. OF VENDORS NOTIFIED: 14
NO. OF VENDORS RECEIVING BID: 12
NO. OF VENDORS RETURNING BID: 4
NO. OF VENDORS DISQUALIFIED: 0
NO. OF VENDORS NOT RESPONDING: 8
DATE SENT TO DEPT FOR RECOMM: 07/16/92
DATE RECOMM RECEIVED BACK: 07/31/92
DATE SENT TO LAW DEPARTMENT: 08/06/92
INTRODUCTION DATE: 08/11/92
DISCUSSION DATE: 08/18/92
PASSAGE DATE: 08/25/92

REFERENCE NO. 5048
FILTRATION PLANT
UNITERRUPTIBLE POWER SYSTEM

ITEM/DESCRIPT	DOMINO INC	ALL PHASE	GRAYBAR	EPE TECH
TOTAL PROJECT	\$27,388.00	\$28,880.00	\$25,992.00	\$28,851.00
DELIVERY	3-4 WKS	8/16/92	NOT STATED	4 WKS

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 7/16/92 BID REFERENCE # 5048

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR A 37.5 KVA UNINTERRUPTIBLE
POWER SYSTEM AS PER SPECIFICATIONS.

AND REQUESTED BY THREE RIVERS FILTRATION PLANT

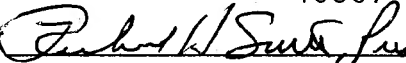
THIS BID REQUIRES A XX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A XX 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: Net 30 %
IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME DOMINO, INC.
Suite 115
STREET ADDRESS 5800 Fairfield Avenue
CITY Fort Wayne, IN PHONE # 219-456-5512
46807
BY  Richard H. Smith
REPRESENTATIVE SIGNATURE President

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: July 15, 1992

1. Governmental Unit: City of Fort Wayne

2. County: Allen

3. Bidder (Firm): Domino, Inc.
Address: P.O. Box 9309
City/State: Fort Wayne, IN 46899

4. Telephone Number: 219-456-5512

5. Agent of Bidder (if applicable): --

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Richard H. Smith, President
Signature of Bidder or Agent
Richard H. Smith, President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NOTE: See attached Domino Proposal Letter.

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

DOMINO, INC.

Bidder (Firm)

Richard H. Smith
Signature of Bidder or Agent
Richard H. Smith
President

Subscribed and sworn to before me this 15th day of July, 19 92

My Commission Expires: October 28, 1995
County of Residence: Allen

Ruthanne Smith
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date:

Proposal Bond

KNOW ALL MEN BY THESE PRESENTS,

Bond no. TPI 778188-60

That we DOMINO, INC.

5800 FAIRFIELD AVENUE, FORT WAYNE, IN 46807

as Principal, and the Transamerica Premier Insurance Company, a corporation under the laws of the State of California, as Surety, are held and firmly bound unto BOARD OF WORKS & SAFETY,

CITY COUNTY BUILDING, FORT WAYNE, IN (hereinafter called the obligee)

in the full and just sum of FIVE (5%) PERCENT OF ACCOMPANYING BID
(BID NOT TO EXCEED \$60,000.00)

for the payment whereof in lawful money of the United States, we bind ourselves, our heirs, administrators, executors or successors, jointly and severally, firmly by these presents.

WHEREAS, the said PRINCIPAL has submitted the accompanying bid for

THREE RIVERS FILTRATION PLANT, FT. WAYNE, IN

NOW, THEREFORE, if said contract be awarded to the Principal and the Principal shall, within such time as may be specified, enter into the contract in writing, and give bond, with surety acceptable to the Obligee for the faithful performance of the said contract, then this obligation shall be void; otherwise to remain in full force and effect. Provided, however, that if said contract is not awarded within 60 days of the date of bid opening, this bond shall be void and of no force and affect.

Signed and Sealed this 16TH day of JULY, 19 92

DOMINO, INC.

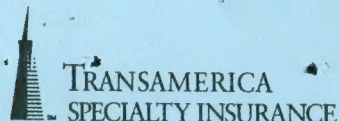
Diana Wilker, Secy.-Treas. ^{Principal}

Diana Wilker, Secy.-Treas.

Transamerica Premier Insurance Company

By Sandra B. Layne

Attorney-in-fact



Transamerica Premier Insurance Company
Administrative Office: Orange, California

General Power of Attorney

GPA 0176

Power Of Attorney valid only if numbered in red.

Know All Men by These Presents, That Transamerica Premier Insurance Company, a corporation duly organized and existing under the laws of the State of California, and having its administrative office in Orange, Orange County, California, does by these presents make, constitute and appoint

SONDRA B. LAYNE

of PORTAGE and State of MICHIGAN its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver

CONTRACT BONDS (S.B.A. GUARANTEE AGREEMENT) - MAXIMUM PENALTY \$500,000.00

OTHER CONTRACT BONDS - MAXIMUM PENALTY \$50,000.00

ALL OTHER BONDS - MAXIMUM PENALTY \$10,000.00

"THIS POWER OF ATTORNEY SHALL TERMINATE AND BE
OF NO FURTHER EFFECT AFTER DECEMBER 31, 1992"

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Transamerica Premier Insurance Company, at a meeting held on the 12th day of June, 1984.

"Be It Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

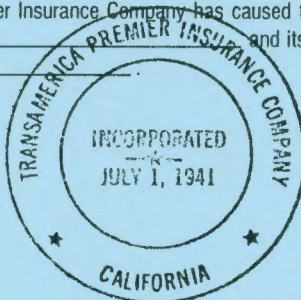
"Section 1. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity, consents of surety and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

In Witness Whereof, Transamerica Premier Insurance Company has caused these presents to be signed by its VICE PRESIDENT and its corporate seal to be hereto affixed this 1ST day of JUNE, A.D., 19 92

State of California

County of Orange

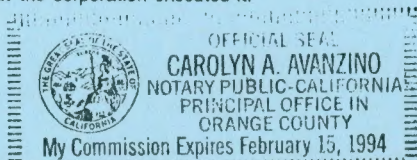
ss.:



TRANSAMERICA PREMIER INSURANCE COMPANY

By Elaine Stevens

On this 1ST day of JUNE, in the year 1992, before me CAROLYN A. AVANZINO, a notary public, personally appeared ELAINE STEVENS, personally known to me to be the person who executed the within instrument as VICE PRESIDENT, on behalf of the corporation therein named and acknowledged to me that the corporation executed it.



Carolyn A. Avanzino
Notary Public

I, the undersigned Secretary of Transamerica Premier Insurance Company hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Transamerica Premier Insurance Company at a meeting duly called and held on the 12th of June, 1984, and that said resolution has not been amended or repealed:

"Resolved, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of the Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation."

GIVEN under my hand and the seal of said Company, this 16TH day of JULY

SECTION 00310 - BID FORM

TO: Mr. Brent Myers
Director of Purchases
City of Fort Wayne
Purchasing Department
One Main Street/Room 350
Fort Wayne, IN 46802

FROM: Domino, Inc.
(Company Name)
P.O. Box 9309
(Company Address)
Fort Wayne, IN 46899
(City & State, Zip)

RE: City of Fort Wayne, Water Filtration Plant, Uninterruptible Power system, DHA Project #9221.

1. The undersigned, having examined the specifications for equipment supply as titled above, hereby agrees to furnish the equipment requested in these specifications, delivered to the owner, including all applicable sales and use taxes, for the sum of:

Twenty-seven thousand three hundred eighty-eight dollars
and no/100 dollars (\$27,388.00)

2. Upon receipt of order, the following guaranteed shipping date will apply:

UPS system will be delivered by 3-4 weeks ARO.

SIGNATURES

- A. When Bidder is a Corporation.

Domino, Inc.
(Bidder) P.O. Box 9309
(Address)
Fort Wayne, IN 46899

Date: July 15, 1992

By: Richard H. Smith, Pres.
Richard H. Smith, President
Diana Wilker, Secy.-Treas.
ATTEST Diana Wilker, Secy.-Treas.

CORPORATE SEAL

END OF SECTION

Project #9221

BID FORM

00310-1

DOMINO

P.O. BOX 9309
FORT WAYNE, INDIANA 46899
Tel. (219) 456-5512

July 16, 1992

Mr. Philip Brent Myers
Purchasing Department
City of Fort Wayne
Room 350
City-County Building
Fort Wayne, Indiana 46802

Ref: City of Fort Wayne - Water Filtration Plant
Project No. 9221 - Uninterruptible Power System
Bid Reference #5048

Dear Mr. Myers:

Thank you for giving us the opportunity to propose Exide Electronics uninterruptible power supplies (UPS). Exide Electronics designs and manufactures state-of-the-art uninterruptible power supplies. Based on your power requirements of 37.5 KVA we recommend Exide Electronics Powerware 50 Model 40 (40 KVA). We would like to re-emphasize some of the features we discussed.

- U.L. approved field upgrades
- One touch start-up
- Small footprint
- True on-line operation
- High efficiency with guaranteed fiscal responsibility
payable over three years if Exide does not meet
published efficiency rating.
- Separately derived neutral. UPS is completely isolated
from all the noise caused by assorted sources.
- Quiet operation
- Isolated maintenance bypass switch
- Local factory trained service

Exide Powerware 50

Bill of Material

One Powerware 50, Model 40 Uninterruptible Power Supply System
60 Hz Uninterruptible Power Supply System

-Output rating: 40 KVA
-Input voltage: 208 VAC Output voltage: 208, 3 phase

Mr. Philip Brent Myers
July 16, 1992
Page 2

<u>Item</u>	<u>Qty</u>	<u>Description</u>
A	1	40 KVA UPS power conversion module, digitally synthesized, including charger transistorized inverter, input and output switchgear, and protective devices all in modular subassembly configuration.
B	lot	Microprocessor based diagnostic system for instant readout of all digital and analog parameters and archiving of power fluctuation.
C	lot	Automatic line drop compensation
D	lot	Auto retransfer feature
E	2	Battery disconnect, 2-pole
F	2	Emergency power off (local)
G	2	Operation and assistance manual
H	lot	Start-up and two (2) year warranty
I	1	Battery pak with 16 minute battery back-up at full load (40x32x43)
J	lot	Freight
K		Input filter

Prices for Items A-K \$27,388.00

NOTE: The design of the Exide UPS does not require an input filter. \$1,593.00 can be deducted.

Voluntary Alternate

If a smaller footprint and longer back-up is required a matching battery cabinet can be supplied. At full load battery back-up time would be 24 minutes. Add \$1,878.00.

If you have any questions, please call. Thank you for giving us the opportunity to bid.

Sincerely,

Rick Smith /dsw

Rick Smith

RS/sm

CLARIFICATIONS

- 1.2 NOTE: Will be provided upon receipt of order.
- 1.3 Exceed:
Exide Electronics offers a 24 month full warranty as standard.
- 2.1A Clarification:
The input current THD shall be 10% typically.
- 2.1C Exceed:
The system efficiency shall be 90%.
- 2.1D Clarification:
No power flow diagram will be provided.
- 2.1G Clarification:
Recharge time shall be ten (10) times the discharge to 90% at full.
- 2.1I Exceed:
The output wave form shall be a true sine wave.

Authorized Representative:

Domino, Inc., 5800 Fairfield Avenue, Fort Wayne, Indiana 46807

Service Telephone:

1-800-73EXIDE

Response Time:

2-24 hours. Typical four (4) hours

Brochure on service options is enclosed.

References

Lincoln National Corporation
Fort Wayne, Indiana

Lincoln National Bank
Fort Wayne, Indiana

Lutheran Hospital
Fort Wayne, Indiana

Waterfield Mortgage
Fort Wayne, Indiana

ITT
Fort Wayne, Indiana

Other references available upon request.

Read the first time in full and on motion by Long, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 8-11-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-25-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE ~~RESOLUTION~~ NO. 2-151-92 on the 25th day of August, 1992

ATTEST: (SEAL)
Sandra E. Kennedy Thomas E. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of August, 1992 at the hour of 1:30 o'clock P. M., E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of August, 1992, at the hour of 6:00 o'clock P. M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 5048 for the purchase of one (1) uninterruptible power system for the Three Rivers Filtration Plant. The cost reflects the lowest and most responsible of four (4) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: This will provide continuous clean conditioned electric power to all lab electronic equipment.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT ON NON-PASSAGE: Sophisticated and very sensitive electronic laboratory equipment will not yield reliable test results. Therefore, the quality of the finished drinking water cannot be assured.

PRIOR APPROVAL REQUESTED:

DATE:

MONIES INVOLVED: Domino, Inc. \$27388.00

PRICE AGREEMENT:

PURCHASE ORDER: YES

ACCOUNT INFORMATION: Filtration P1 513-523-W107-4453

S-92-0825

BILL NO. S-92-08-25

REPORT OF THE COMMITTEE ON
CITY UTILITIES

DAVID C. LONG, CHAIR
SAMUEL J. TALRAICO, VICE CHAIR
LUNSEY, BRADBURY

*Hold for
1 wk. to
get explanation
on why low bid
was not
awarded
the
contract.*

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding
of Reference #5048 by the City of Fort Wayne, Indiana, by
and through its Department of Purchasing and DOMINO, INC. for the
Three Rivers Filtration Plant

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures in blue ink: David C. Long, Samuel J. Talraico, Lunsey, Bradbury]

DATED: 8-25-92

Sandra E. Kennedy
City Clerk